

REMARKS

In the Office Action, the abstract of the disclosure and claim 51 were objected to for informalities. Claims 48-58 were rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter. Claims 48-51, 54, 57 and 58 were rejected under 35 U.S.C. §102(b) as being anticipated by WO 02/19919 (WO '919). Claims 59 and 60 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,562,832 to Wilder et al. Claims 52, 53, 55, and 56 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO '919. Claims 61 and 62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wilder.

The present invention is an assembly of three parts: (1) a metal part that can attach to an external light source (either by the use of threads or a quick-connect fitting) and incorporates heat dissipation fins, (2) a plastic part which functions to guide the light from the external light source along the contours of a retractor and ultimately discharges the light into the operative site, and (3) a metal part that shields all but the “light discharging end” of the portion of the plastic not in contact with the retractor. The metal shield (3) has tabs that cooperate with features on a retractor to allow attachment of the apparatus to the retractor, and the shield also protects the plastic part (2) from damage by surgical instruments.

The apparatus is designed so that when it is clipped to the retractor (1) the fiber optic cable attaching the light source to the apparatus is directed to the side of the retractor, not down the length of the retractor (this feature allows surgeons to more easily manipulate the retractor without the cable interfering), and (2) the heat dissipation fins stay approximately within the footprint of the retractor so that they do not hang over the edge of the retractor and possibly interact with soft tissue causing the apparatus to become dislodged from the retractor.

In response to the rejections in view of WO '919, claim 48 has been amended to define the light duct as substantially conforming to the curving intermediate region of the main structural member and further the shielding member as being protective of all of the light duct over the curving intermediate region of the main structural member and protective of at least most of the light duct extending from the curving intermediate region towards the distal region of the main structural member. As shown in Figures 1 and 5 of the WO '919 reference, the shield member 65 fails to conform to the curvature of what has been equated to be the intermediate region of the device as shown by distal end portion 32. Further, even if the location of the shield member was to be considered as following the curvature of distal end portion 32, the shield member fails to follow and protect at least most of the light duct extending from the curving intermediate

region towards the distal region of the main structural member as now defined in amended claim 48.

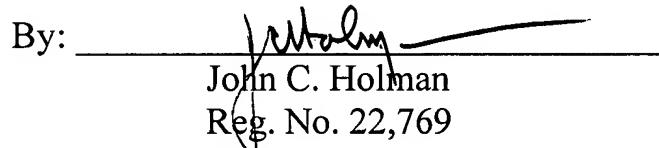
The reason the structure of the WO ‘919 patent is so distinct from that of the present invention is perhaps the type of surgery for which the deep pelvic retractor of the WO ‘919 reference is used as contrasted with the primarily hip joint replacement retractor of the present invention. Different surgeries require different types of retractors. It has been found that the structure of the present invention is ideal to provide a light source during hip joint replacement surgery. Therefore, the claimed structure of the present invention is distinct from the structure of the WO ‘919 reference. For at least the reasons noted, the present invention as defined in amended claim 48 is distinguished over the WO ‘919 reference.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: 
John C. Holman
Reg. No. 22,769

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666
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JCH/JLS:ms